

GAHC010053752021



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : AB/881/2021**

ISMAIL HUSSAIN  
S/O LATE ABU BAKKAR SIDDIK, VILL-DUMURIA PART-III, P.S.-  
ABHAYAPURI, DIST-BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. N UDDIN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN**

**ORDER**

**30.04.2021**

By this bail application under Section 438 CrPC, petitioner, namely, Ismail Hussain, has sought for pre-arrest bail in the event of his arrest in connection with Abhayapuri PS Case No. 6/2021, under Sections 420/408 of the Indian Penal Code, 1860.

Heard the learned counsel for both the sides.

Also perused the record and the Case diary.

The present petitioner is the driver of the truck, which belongs to the brother of the informant.

After carrying the vehicle, he was found missing along with the truck.

Case Diary reveals that the truck was loaded with betel nut and the accused petitioner along with some other persons prepared a plan to dispose of the betel nut for money and it was accordingly carried away to a different place. On the next day, the vehicle along with the loaded betel nut was apprehended and the accused fled away.

In view of sufficient complicity of the petitioner with the offence alleged, this Court is of the opinion that it is not a fit case to grant the privilege of pre-arrest bail to the petitioner. Accordingly, the bail application stands rejected.

Return the Case Diary.

***JUDGE***

**Comparing Assistant**